

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of California Water Service Company (U-60-W) for an order confirming its discontinuance of the ESP program as provided in D.07-12-055, Ordering Paragraph 19, approving accounting for the residual affiliate transaction, and confirming under D.07-12-055, Ordering Paragraph 16 that Applicant's residual services to its affiliate CWS Utility Services comply with applicable law.

Application 08-05-019  
(Filed May 12, 2008)

**ORDER EXTENDING STATUTORY DEADLINE****1. Summary**

This decision extends the statutory deadline in this proceeding to March 25, 2013.

**2. Background**

Public Utilities Code Section 1701.5 provides that ratesetting matters such as this application shall be resolved within 18 months of issuance of the scoping memo for the proceeding, unless the Commission makes findings why that statutory deadline cannot be met and issues an order extending the 18-month deadline.

In this proceeding, the scoping memo was issued on October 2, 2009. Therefore, the 18-month deadline for resolving the proceeding was April 2, 2011. In Decision (D.) 11-01-009, issued January 27, 2011, the Commission found that this proceeding's schedule relied on policy guidance from our affiliate

transaction rulemaking proceeding, Rulemaking 09-04-012. On October 20, 2011, the Commission issued D.11-10-034 which modified the affiliate transaction rules and the provision of non-tariffed products and services for all Class A and B water and sewer utilities.

On October 12, 2011, a joint motion was filed by California Water Service Company (CWS) and by the Division of Ratepayer Advocates (DRA) requesting approval of a settlement and a brief in support of the settlement. The settlement is being reviewed and a proposed decision is being drafted. On May 21, 2012, the then-assigned Administrative Law Judge (ALJ) issued a ruling reopening the record for the limited purpose of allowing CWS to submit additional information requested by the assigned ALJ. On September 5, 2012, this proceeding was re-assigned to ALJ Jeanne McKinney. Based on the foregoing, the Commission has extended the statutory deadline to January 25, 2013. (*See* D.11-01-039, D.11-05-034, D.11-07-047, D.11-09-032, D.11-11-016, D.12-01-016, D.12-03-046, D.12-05-028, D.12-07-014, D.12-08-034, and D.12-11-012.)

On December 3, 2012, a telephonic status conference was held. The parties and assigned ALJ determined that it was necessary for the parties to submit additional information for the evidentiary record. On December 21, 2012, the parties filed a joint motion to reopen the record for the limited purpose of accepting the additional information, including a proposed modification of the CWS "Preliminary Statement Q." In light of this motion and the additional information submitted, an additional 60-day extension of the statutory deadline until March 25, 2013 is necessary.

### **3. Waiver of Comment Period**

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment

of proposed decisions extending the deadline for resolving ratesetting proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

#### **4. Assignment of Proceeding**

Michel Peter Florio is the assigned Commissioner and Jeanne M. McKinney is the assigned ALJ in this proceeding.

#### **Finding of Fact**

An extension of time until March 25, 2013 is necessary in order to provide sufficient time to review the December 21, 2012 motion and additional information before the assigned ALJ can address the joint motion for settlement approval filed by CWS and DRA.

#### **Conclusions of Law**

1. Pursuant to the authority granted the Commission under Pub. Util. Code § 1701.5(a), the extension of the statutory deadline for this proceeding granted under D.12-08-034 should be extended an additional 60 days.

2. Pursuant to Rule 14.6(c)(4), the comment period for the proposed decision should be waived.

**IT IS ORDERED** that the extension of the statutory deadline for this proceeding granted under Decision 12-11-012 should be extended to and including March 25, 2013.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.